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Docket No. 4518-0108PUS1

AMENDMENTS TO THE CLAIMS

1. **(Currently Amended)** ~~The use of a preparation based on A method for the intra-operative treatment of a tumor to inhibit dissemination of tumor cells, which comprises administering to the patient an antibody directed against a tumor-associated antigen, for preparing a medicament for the during an intra-operative treatment of tumor patients by whereby immunocomplexing of tumor cells within the scope of the surgical interventions, the preparation being utilized for the prophylactic treatment to prevent inhibits dissemination of tumor cells.~~
2. **(Currently Amended)** ~~The use method according to claim 1, characterised in that wherein the antibody is directed against an epitope of a surface antigen of a tumor cell.~~
3. **(Currently Amended)** ~~The use method according to claim 1 or 2, characterised in that wherein the tumor cell is an epithelial tumor cell.~~
4. **(Currently Amended)** ~~The use method according to any one of claims 1 to 3, characterised in that wherein the antibody is directed against an epitope of an antigen selected from the group consisting of peptides, or proteins, in particular EpCAM, NCAM, CEA, the carbohydrates, in particular Lewis Y, Sialyl TN, Globo H, and the glycolipids, in particular GD2, GD3 and GM2.~~
5. **(Currently Amended)** ~~The use method according to any one of claims 1 to 4, characterised in that wherein the antibody is used in an antibody mixture of various antibodies having a specificity for tumor-associated antigens.~~
6. **(Currently Amended)** ~~The use method according to any one of claims 1 to 5, characterised in that wherein the antibody functionally activates the immune system, according to an ADCC and CDC effector function.~~

7. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 6, characterised in that wherein the antibody binds to the tumor-associated antigen with an affinity corresponding to a dissociation constant below a Kd value of 10^{-6} mol/l, preferably less than 10^{-7} mol/l, most preferred 10^{-8} mol/l, or less.

8. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 7, characterised in that the antibody is derived from murine, chimeric, humanized and/or human sources.

9. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 8, characterised in that wherein the medicament is systemically used with a single dose of at least 50 mg, preferably at least 100 mg, most preferred at least 200 mg, to up to 2 g per patient.

10. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 9, characterised in that wherein the medicament is locally applied to the tumor tissue and/or to the wound area.

11. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 10, characterised in that wherein the medicament is administered immediately during or before, preferably within 24 hours, preferably within 4 hours, before the surgical intervention.

12. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 11, characterised in that wherein the surgical intervention is carried out for a biopsy and/or for the removal of a solid tumor.

13. **(Currently Amended)** The ~~use method~~ according to any one of claims 1 to 12, characterised in that wherein the surgical intervention is carried out for a determination regarding the malignancy of a tumor.

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14. (Currently Amended) The ~~use method~~ according to any one of claims 1 to 13, characterised in that wherein the antibody is determined on the immunocomplexed tumor tissue after the surgical intervention.

15. (Currently Amended) The ~~use method~~ according to any one of claims 1 to 14, characterised in that wherein the antibody is determined on tumor cells in blood or serum samples.

16. (Original) A kit for the intra-operative treatment of tumor patients, comprising

- a) a medicament based on an antibody directed against a tumor-associated antigen, and
- b) a means for the diagnostic determination of malignant tumor cells which are immunocomplexed with the antibody.

17. (New) The method according to claim 4, wherein the antigen is a member selected from the group consisting of EpCAM, NCAM, CEA, Lewis Y, Sialyl-TN, Globo H, GD2, GD3 and GM2.

18. (New) The method according to claim 7, wherein said Kd value is 10^{-7} mol/l.

19. (New) The method according to claim 7, wherein said Kd value is 10^{-8} mol/l.

20. (New) The method according to claim 8, wherein said single dose is at least 100 mg.

21. (New) The method according to claim 8, wherein said single dose is at least 200 mg.

22. (New) The method according to claim 8, wherein said single dose is at most 2 mg.

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23. (New) The method according to claim 11, wherein the medicament is administered within 24 hours before the surgical intervention.

24. (New) The method according to claim 11, wherein the medicament is administered within 4 hours before the surgical intervention.